

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RAUL BACON,

Plaintiff,

v.

Case No. 17-12848

EQUITYEXPERTS.ORG, LLC,

Defendant.

ORDER DISMISSING CASE

During a status conference following an unsuccessful settlement conference before the Magistrate Judge, counsel for Plaintiff informed the court that his client had died and that he had been unable to locate another individual pursue this case on behalf of the decedent Plaintiff. Based on this information, the court ordered Plaintiff to show cause why this case should not be dismissed for failure to prosecute. Counsel filed a timely response to the order to show cause in which he concedes that he has no authority to continue prosecuting this case because he could not locate a successor-in-interest to Plaintiff. (ECF No. 55, PageID.547.) Thus, the court will dismiss the case.

Federal Rule of Civil Procedure 41(b) gives the district court power to dismiss a complaint where “the plaintiff fails to prosecute or to comply with [the Federal Rules] or a court order.” The rule acts as a tool by which the court can “effect management of its docket and avoidance of unnecessary burdens on the tax-supported courts and opposing parties.” *Knoll v. Am. Tel. & Tel. Co.*, 176 F.3d 359, 363 (6th Cir. 1999) (internal quotation and alteration omitted). Whether to dismiss under Rule 41(b) is within

the sound discretion of the district court. *Gravitt v. Tyszkiewicz*, 14 F. App'x 348, 349 (6th Cir. 2001). Additionally, E.D. Mich. L.R. 41.2 empowers the court to dismiss a complaint when the “parties have taken no action for a reasonable time.” Counsel admits that he lacks the authority to continuing pursuing this three-year-old case. Dismissal under Rule 41(b) is appropriate under these circumstances. Accordingly,

IT IS ORDERED that the case is DISMISSED.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: July 23, 2020

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 23, 2020, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522

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